

1909-014 Chancery Causes: M. F. Litton vs. J. P. Rosnic &
Lee Co.

Hall, Kinder

1 Plat

CA-Contract Dispute
T-Property

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia:

Humbly complaining your orator M. F. Litton would respectfully represent and show unto your honor that J. B. Rasnic was the owner of a one-half undivided interest in a tract of land situated on the north side of Wallens ridge, lying between the top of Wallen's Ridge and the top of Clark's Ridge on the waters of Laurel Branch and Clark's Branch and in the neighborhood of a point called Buzzard's Roost, and that A. J. Litton was the owner of the other one-half undivided interest in the said tract of land.

Your orator would further represent and show unto your honor that the said J. B. Rasnic departed this life intestate, leaving as his heirs at law eleven children, namely: J. B. Rasnic, S. E. Rasnic, W. W. Rasnic, R. J. Rasnic, J. F. Rasnic, C. C. Rasnic, Nancy Hall, Ludema Kinder, Lucinda Hall, H. Rasnic, and David Rasnic, who as heirs at law of the said J. B. Rasnic succeeded to the rights of the said J. B. Rasnic in and to the said tract of land.

Your orator would further represent and show unto your honor that a suit was instituted at the Second April Rules, 1907, in the Circuit Court of Lee County, Virginia, by A. J. Litton and others against H. Rasnic and others for the purpose of partitioning the tract of land owned by the said Litton and J. B. Rasnic as aforesaid, and that Commissioners were duly appointed to partition the said tract of land between the said A. J. Litton and the heirs of the said J. B. Rasnic, and that said Commissioner so appointed on the 24th day of February, 1908, filed their report in the said cause showing said partition, together with a plat of the said land, which said report and plat were duly confirmed and ordered to be recorded by decree entered in the said cause on the 4th day of May, 1908, and that said report and plat and decree were duly recorded in the Clerk's office of Lee County, Virginia in Deed Book No. 47, page 166 &c., to which said cause and said

and said original report and plat reference is here made for a particular description of the land so assigned to the heirs of the said J. B. Rasnic, and from which it will be seen there was assigned 110 acres of the said land, and for the purpose of saving expenses of copying the said report and plat, your orator asks that the said original report and plat be used in this cause for the purposes of this suit.

Your orator would further represent and show unto your honor that he is the owner of three-elevenths of the said 110 acres of land by purchase and represents that the said Ledema Kinder sold and conveyed her one-eleventh undivided interest in said tract of land to C. C. Rasnic, and that C. C. Rasnic sold and conveyed the said interest so purchased from said Ludema Kinder, and the interest which he was entitled to as heir at law of the said J. B. Rasnic to R. J. Rasnic, and that by deed of conveyance signed by the said R. J. Rasnic and wife and C. C. Rasnic and wife, the said three-elevenths interest in said tract of land was duly conveyed with covenants of general warranty to your orator, by reason of which he became and now is the owner of the three-elevenths interest in the said tract of land, as will more fully appear by copy of the said deed of conveyance herewith filed as a part of this bill as exhibit No. 1.

Your orator would further represent and show unto your honor that he has other lands adjoining the said tract of land and is advised that he is entitled to have a three-elevenths in said land laid off adjoining his own tract.

Your orator would further represent and show unto your honor that all of the said heirs as aforesaid are of age except H. Rasnic and David S. Rasnic, and that the said H. Rasnic and David S. Rasnic are infants under the age of twenty-one years.

Your orator is further advised that it is just that all the heirs of the said J. B. Rasnic, who are interested in the said tract of land should bear their pro rata part of the expenses of this partition suit.

including a reasonable attorney's fee to the plaintiff's counsel in this case, provided said heirs who are defendants in this cause do not employ counsel to represent them in the partition of the said land. And your orator is advised that \$50.00 would be a reasonable compensation to the said attorney's for the prosecution of the said suit.

The prayer therefore of your orator is that J. P. Rasnic, S.E. Rasnic, W.W. Rasnic, J.F. Rasnic, Nancy Hall, ~~Lillian~~ ^{Lillian} Hall, H. Rasnic and David S. Rasnic be made parties defendant to this bill of complaint and be required to answer the same, but not under oath, answer under oath being expressly waived; that upon a hearing Commissioners be appointed to partition the said tract of land and assign to each of the parties interested therein the various shares to which they are each entitled, and that your orator be assigned three-elevenths of the said tract of land, and that the same be laid off to him next to and adjoining his other lands; that each of the said heirs be required to bear their proportionate part of the expenses of this suit, including the said attorney's fee, and that upon a final hearing judgement be rendered therefor. And may all other further and general relief be granted your orator that the nature of his cause and good conscience requires. And he will ever pray &c.

Permyton Prad P.Q.

Costs:

Clark \$11.17 pd

Shff. 5.50 pd

Atty. 15.00 pd

Comrs. 14.00

G.A.L. 5.00 pd

Clark 11.17 \$50.67
Thompson 6.00 17.17

\$33.50

paid to R. L. P. by
cert to be distributed

M. F. L. L. L.

vs { Bice

J. P. Rosnie ex de

1909 2nd Apr. Rules
Bill filed, Spa
executed on adult
defts. & D.N. as to
them.

" 1st May Rules
D.N. conf'd as to
adult defts. and
cause set for
hearing as to them.

In the Circuit Court for the County of Lee,
to-wit:

THE ANSWER OF H. Rosnie. Ed David R. Rosnie -

infant^s under the age of twenty-one years, by M. G. Ealy
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against
them and others in the Circuit Court for the County of
Lee, by M. F. Litton and others.

The respondent, reserving to ~~themselves~~ the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian *ad litem*, say that they are infant^s of
tender years, and by reason of such disability are incapable of understanding, or of
taking care of Their rights and interests, They therefore commend the same
to the protection of the court, and prays that no decree may be pronounced which will tend
to Their prejudice.

And having answered, the respondent pray to be hence dismissed with Their
reasonable costs, in this behalf expended; and they will ever pray, &c.

M. G. Ealy - Guardian *ad litem*.

p. d.

County
OF
Lee } ss.

This day, M. G. Ealy, whose name is signed to
the foregoing answer, personally appeared before me, H. C. Joslyn J.P.
and made oath that the statements made therein, so far as they depend upon his own knowl-
edge, are true, and so far as they depend upon knowledge derived from others he believes them
to be true.

Given under my hand, this 23rd day of April 1909.

H. C. Joslyn J.P.

J.P. Rosnic et als

adv. }

ANSWER
OF
INFANT DEFENDANT.

M. H. Litton

Filed May 3, 1909.

H. C. D. Ewing,
Clerk.

H. A. L. fee \$2.00

M. F. Litton.....Complainant.

Vs.

In Chancery

J. P. Rasnic and others.....Defendants.

This cause came on again to be heard upon the papers formerly read therein and the report and plat of V. S. Banner, C. V. Young, J. T. Whittaker, R. A. Richmond, and W. E. Thompson, Commissioners, filed in this cause on the 26th day of August, 1909, and was argued by counsel.

And the said report and plat being ~~un~~accepted to, it is hereby adjudged, ordered and decreed that said report and plat be and they are hereby approved and confirmed, and that the complainant M. F. Litton take and hold in fee simple the tract of land mentioned and fully described in said report and laid off and assigned to him by said Commissioners according to the meets and bounds set forth in said report, and containing fifteen acres more or less and designated on said plat as " M. F. Litton 15 acres"; and that J. P. Rasnic, S. E. Rasnic, W. M. Rasnic, J. F. Rasnic, Nancy Hall, Ludema Hall, H. Rasnic, and David ^{Mc}Rasnic, jointly take and hold the residue of said tract shown on said plat marked " Rasnic heirs 95 acres". And the clerk of this court will record in the proper deed book in his office, the decree of the court appointing said Commissioners, the said report and plat and this decree. And that the plaintiff M. F. Litton pay three-elevenths of the cost of this suit, and that the said defendants pay the other 8/11 of said costs, and for which costs execution or executions may issue against the parties in favor of the officers of this court. And this cause is stricken from the docket.

Virginia, Lee County, to wit:
In the Clerk's office of Lee County, on
this the 13th day of November, 1909, the
foregoing decrees, Commissioners' report
and plat were presented, and ad-
mitted to record.
Jesse H. C. I. Coving, Clerk

M. F. Lillian

vs } Deena Juina

J. P. Rasnic et al

Entered in C.O.B.
#8, page 494.

Enter this.

Sept 7 1909

H. A. W. Sherr Judge

Recorded in
Deed Book 49, page 445.
Examined Nov. 18, 1909
Indexed

-Commissioners Report-

M.F.Litton,
Vs.
J.F.Rasnic & Others,

To the Hon.H.A.W.Skeen,Judge of the Circuit Court of Lee County Va.
At a Circuit Court held for Lee County at the Court House there of on
the 7th day of May 1909 it was ordered and decreed that V.S.Banner,
R.A.Richmond, W.F.Thompson, J.T.whittaker and C.V.Young who ~~went~~^{there} by
appointed as special commissioners for the purpose of going up on the
lands mentioned in said bill of ~~partition~~^{the plaintiff} and partition the same
among those entitled thereto that is to lay off and assign to M.F.Litton
3/11 of the said estate as mentioned in the bill of ~~partition~~^{the plaintiff} it being
three elevenths of the estate of J.B.Rasnic lands assigned to the
widow and heirs of J.B.Rasnic by the commissioners on the 24th day
of February 1908.Your under signed commissioners beg leave to report
that on the 2nd day of August 1909 we did go up on the lands mentioned
in said bill,and after being duly sworn did lay off and assign to
M.F.Litton three elevenths of the said tract which is bounded and described
as follows to wit: Beginning at a small sugar-tree below a spring shown
on the plat at A.Corner to the Rasnic lands.Thence S.18 3/4.E 24 poles
to a stake and locust shown on plat at B N.75.E 46 poles to a stake on
steep ground shown on plat at C. S.40.W 17 1/2 Poles to two small
locusts on top of the Clark ridge shown on plat at D.N71.W 9 poles to
Chestnut sprouts shown on plat at E.N.80 1/2.W 9 poles to sugar tree
shown on plat at F. N.61.W 14 poles to a chestnut shown on plat at G.
N.71 1/2.W 11 poles to a small Sugartree shown on the plat at H.
S.69 1/2.W 6 poles short 7 links to a black oak.Shown on the plat at I.
West 9 1/2 Poles to a double Chestnut Shown on the plat at J. N.62 1/2.W
14 1/2 poles to a rock marked U.S.G.S. Shown on plat at K.N.19.W 11 poles
to a large spanish oak at the Buzzard Roost. Shown on plat at L.
N.84.E.4 poles to a ~~Spanish Oak~~^{Rock} Original Corner shown on plat at M.
N.64 1/4.E 8 poles to a sharp top rock shown on plat at N. N.66.E
10 poles to two small sugar trees,shown on plat at O. N.42 1/2.E 8 poles
short 6 links to a small sugar tree,and locust a corner to the A.J.Litton
tract,shown on plat at P. Thence S.40 3/4.E 21 poles to a ~~black~~ black
walnut shown on plat at Q.

S.87.E 33 poles to a locust stump, shown on plat at R. S.82 3/4.E
 49 poles to the Beginning. Containing 15 Acres, which we think is three
 elevenths in value of the 110 acre tract of land. We also assign the
 Residue of said tract containing 95 acres to the widow and heirs of
 J.B. Rasnic deceased who have not sold their interest to the said
 M.F. Litton. There is also reserved a long the South West line of this
 tract of land a right of way 12 feet wide which we assign to the said
 M.F. Litton's lot all of which is Respt. Submitted.

V.S. Banner.
C.V. Young.
J.T. Whittaker.
R.A. Richmond.
W.E. Thompson.
 Commissioners...

Cost of Partition

V.S. Banner	1 day	\$2.00
R.A. Richmond	" "	2.00
J.T. Whittaker	" "	2.00
C.V. Young	" "	2.00
W.E. Thompson	2 days Surv. Rep.	6.00
		<u>\$14.00</u>

Recorded in
D.B. 49, page 43.
Examined Nov. 18, 1869
Indexed.

M. F. Litton.....Complainant.

Vs.

IN Chancery.

J. P. Rasnic and others.....Defendants.

This cause came on this day to be heard upon the bill of the complainants/ and exhibits filed therewith, the answer of M.G. Ely, guardian ad litem for H, RasNic and David R. Rasnic, infants, and general replication thereto, and was argued by counsel,

On consideration of all which and it appearing to the court that the adult defendants have been duly served with process, and they having failed to appear, plead or answer, the said bill of the complainants/ is therefore taken for confessed. And the said court being of opinion ^{from} ~~that~~ the allegations of the plaintiff's bill that the said tract of land is susceptible of partition, it is therefore adjudged, ordered and decreed that V. S. Banner, R. A. Richmond, W. E. Thompson, J. T. Whittaker and C.V. Young, who are hereby appointed as Special Commissioners for the purpose, any three of whom may act, will go upon the land in the bill and proceedings mentioned and partition the same among the parties in interest according to their respective shares as alleged in the said bill, and in doing so if practical they will lay off to the said Litton his shares of the said land so that the same may adjoin his other lands. And they will report their action to the next term of the court and this cause is continued,

M. F. Little - Conject

B. $\frac{2}{3}$ Decree for Partition

J. P. Rasmussen & Co.
Entered in Co. B.
#8, page 484

Enter this Decree
May 7th 1908
H. C. W. Stinson

Recorded in Deed
Book 47, page 43
Examined Nov. 18, 1909
Indexed

Virginia,

At a Circuit Court continued and held for Lee County, at the Court-house thereof, on Friday, the 7th day of May, 1909.

M. F. Litton,

Complainant.

Vs.

J. P. Rasnic and others

Defendants.

This cause came on this day to be heard upon the bill of the complainant and exhibits filed therewith, the answer of M. G. Ely, guardian ad litem for H. Rasnic and David R. Rasnic, infants, and general replication thereto, and was argued by counsel.

On consideration of all which and it appearing to the court that the adult defendants have been duly served with process, and they having failed to appear, plead or answer, the said bill of the complainant is therefore taken for confessed. And the said Court being of opinion from the allegations of the plaintiff's bill that the said tract of land is susceptible of partition, it is therefore adjudged, ordered and decreed that V. S. Banner, R. A. Richmond, W. E. Thompson, J. T. Whittaker and C. V. Young, who are hereby appointed as Special Commissioners for the purpose, any three of whom may act, will go upon the land in the bill and proceedings mentioned and partition the same among the parties in interest according to their respective shares as alleged in the said bill, and in doing so if practical they will lay off to the said Litton his shares of the said land so that the same may adjoin his other lands. And they will report their action to the next term of the court and this cause is continued.

A copy,

Teste: J. H. J. Ewing, Clerk.

M. F. Litton
v. Deere copy
J. P. Rasmie & others

For Sheriff's return

Executed by delivering
copies of the within
notices to the following
named persons J. T. Whitaker
V. S. Bonner R. A. Richmond
C. N. Young and W. E. Thompson
this May 29th 1909
G. W. Solge D. S. for
W. J. Tucker S. L. C

Virginia,

At A Circuit Court continued and held for Lee County, at the Court-house thereof, on Friday, the 7th day of May, 1909.

M. F. Litton

Complainant.

Vs.

J. P. Rasnic and others

Defendants.

This cause came on this day to be heard upon the bill of the complainant and exhibits filed therewith, the answer of M. G. Ely, guardian ad litem for H. Rasnic and David R. Rasnic, infants, and general replication thereto, and was argued by counsel.

On consideration of all which and it appearing to the Court that the adult defendants have been duly served with process, and they having failed to appear, plead or answer, the said bill of the complainant is therefore taken for confessed. And the said Court being of opinion from the allegations of the plaintiff's bill that the said tract of land is susceptible of partition, it is ~~x~~ therefore adjudged, ordered and decreed that V. S. Banner, R. A. Richmond, W. E. Thompson, J. T. Whittaker and C. V. Young, who are hereby appointed as Special Commissioners for the purpose, any three of whom may act, will go upon the land in the bill and proceedings mentioned and partition the same among the parties in interest according to their respective shares as alleged in the said bill, and in so doing if practical they will lay off to the said Litton his shares of the said land so that the same may adjoin his other lands. And they will report their action to the next term of the court and this cause is continued.

A copy,

Teste: A. C. Ewing, Clerk.

Notice V. S. Banner ✓
July 22 C. V. Young ✓
J. T. Whittaker ✓
R. A. Richmond ✓

Comm. Report

W. F. Litton

U.S.

J. F. Rasiniček & Co.

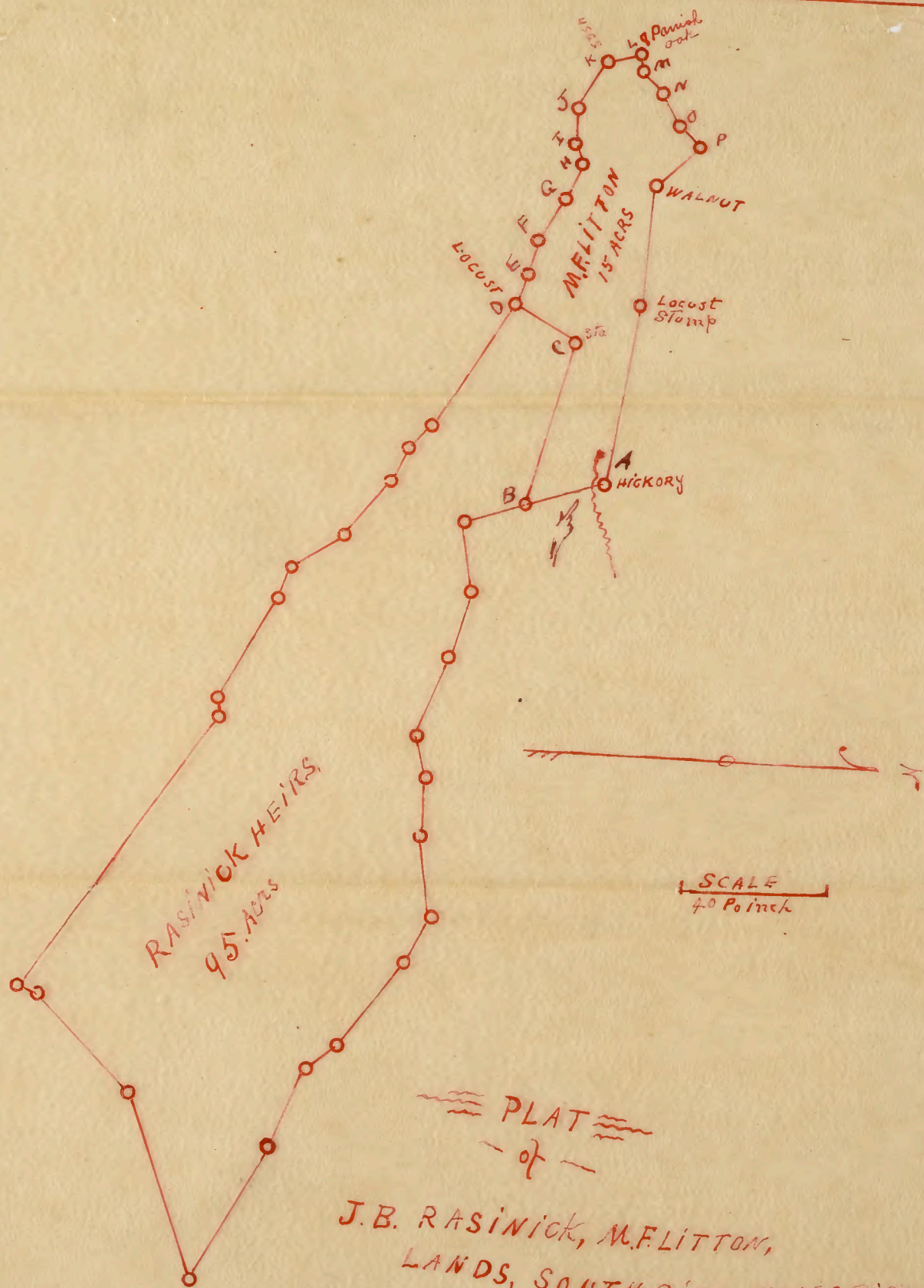
Filed August 26, 1909,

G. C. T. Ewing,

Clerk.

For

W. E. Thompson



PLAT
of
J.B. RASINICK, M. FLITTON,
LANDS, SOUTH SIDE, WALLS RIDGE.

Thompson SUR

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

J. C. Rosnie, H. Rosnie, W. Rosnie, J. F. Rosnie, Nancy Bell, Lydia Bell, H. Rosnie and David Rosnie, the last two of whom are infants.

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *3rd* Monday in *April*, 190*9*, to answer a bill in chancery exhibited against *them* by *M. J. Litton*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *13th* day of *April*, 190*9*, and *133*-year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

_____, Clerk

Executed on the 15th day of April, 1909 by
delivering true copies of the within notice
to J. T. Rosnie, L. E. Rosnie, H. H. Rosnie,
J. T. Rosnie, Nancy Hall and Indiana
Hall.

J. V. Sage S.S. for
H. Y. Tucker S.C.

M. F. Sutton

VS

SUBPOENA
IN
CHANCERY

J. T. Rosnie, et al

J. T. Rosnie

p. q.

To and 1909

Rules

of the Circuit

Court

1909

Executed by delivering
the copies to all to
whom they were directed
this 15th day of April, 1909

J. V. Sage S.S. for
H. Y. Tucker & S.C.
Sd. may call in as above

M. F. Lecom

vs. } In Chancery

J. P. Rosnie et al
